

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**August 15, 2022**

**FOR THE TENTH CIRCUIT**

**Christopher M. Wolpert**  
**Clerk of Court**

In re: JOHN Q. HAMMONS FALL 2006, LLC; ACLOST, LLC; BRICKTOWN RESIDENCE CATERING CO., INC.; CHATEAU CATERING CO., INC.; CHATEAU LAKE, LLC; CITY CENTRE HOTEL CORP.; CIVIC CENTER REDEVELOPMENT CORP.; CONCORD GOLF CATERING CO., INC.; CONCORD HOTEL CATERING CO., INC.; EAST PEORIA CATERING CO., INC.; FORT SMITH CATERING CO., INC.; FRANKLIN/CRESCENT CATERING CO., INC.; GLENDALE COYOTES CATERING CO., INC.; GLENDALE COYOTES HOTEL CATERING CO., INC.; HAMMONS OF ARKANSAS, LLC; HAMMONS OF COLORADO, LLC; HAMMONS OF FRANKLIN, LLC; HAMMONS OF FRISCO, LLC; HAMMONS OF HUNTSVILLE, LLC; HAMMONS OF LINCOLN, LLC; HAMMONS OF NEW MEXICO, LLC; HAMMONS OF OKLAHOMA CITY, LLC; HAMMONS OF RICHARDSON, LLC; HAMMONS OF ROGERS, INC.; HAMMONS OF SIOUX FALLS, LLC; HAMMONS OF SOUTH CAROLINA, LLC; HAMMONS OF TULSA, LLC; HAMMONS, INC.; HAMPTON CATERING CO., INC.; HOT SPRINGS CATERING CO., INC.; HUNTSVILLE CATERING, LLC; INTERNATIONAL CATERING CO., INC.; JQH - ALLEN DEVELOPMENT, LLC; JQH - CONCORD DEVELOPMENT, LLC; JQH - EAST PEORIA DEVELOPMENT, LLC; JQH - FT. SMITH DEVELOPMENT, LLC; JQH

No. 20-3203  
(16-21142)  
(United States Bankruptcy Court for the  
District of Kansas)

- GLENDALE AZ DEVELOPMENT, LLC; JQH - KANSAS CITY DEVELOPMENT, LLC; JQH - LA VISTA CY DEVELOPMENT, LLC; JQH - LA VISTA CONFERENCE CENTER DEVELOPMENT, LLC; JQH - LA VISTA III DEVELOPMENT, LLC; JQH - LAKE OF THE OZARKS DEVELOPMENT, LLC; JQH - MURFREESBORO DEVELOPMENT, LLC; JQH - NORMAL DEVELOPMENT, LLC; JQH - NORMAN DEVELOPMENT, LLC; JQH - OKLAHOMA CITY BRICKTOWN DEVELOPMENT, LLC; JQH - OLATHE DEVELOPMENT, LLC; JQH - PLEASANT GROVE DEVELOPMENT, LLC; JQH - ROGERS CONVENTION CENTER DEVELOPMENT, LLC; JQH - SAN MARCOS DEVELOPMENT, LLC; JOHN Q. HAMMONS 2015 LOAN HOLDINGS, LLC; JOHN Q. HAMMONS CENTER, LLC; JOHN Q. HAMMONS HOTELS DEVELOPMENT, LLC; JOHN Q. HAMMONS HOTELS MANAGEMENT I CORPORATION; JOHN Q. HAMMONS HOTELS MANAGEMENT II, LP; JOHN Q. HAMMONS HOTELS MANAGEMENT, LLC; JOPLIN RESIDENCE CATERING CO., INC.; JUNCTION CITY CATERING CO., INC.; KC RESIDENCE CATERING CO., INC.; LA VISTA CY CATERING CO., INC.; LA VISTA ES CATERING CO., INC.; LINCOLN P STREET CATERING CO., INC.; LOVELAND CATERING CO., INC.; MANZANO CATERING CO., INC.; MURFREESBORO CATERING CO., INC.; NORMAL CATERING CO., INC.; OKC COURTYARD CATERING CO., INC.; R-2 OPERATING CO., INC.; REVOCABLE TRUST OF JOHN Q. HAMMONS DATED DECEMBER 28,

1989 AS AMENDED AND RESTATED;  
RICHARDSON HAMMONS, LP;  
ROGERS ES CATERING CO., INC.; SGF  
- COURTYARD CATERING CO., INC.;  
SIOUX FALLS CONVENTION/ARENA  
CATERING CO., INC.; ST. CHARLES  
CATERING CO., INC.; TULSA/169  
CATERING CO., INC.; U.P. CATERING  
CO., INC.,

Debtors.

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JOHN Q. HAMMONS FALL 2006, LLC;  
ACLOST, LLC; BRICKTOWN  
RESIDENCE CATERING CO., INC.;  
CHATEAU CATERING CO., INC.;  
CHATEAU LAKE, LLC; CITY CENTRE  
HOTEL CORP.; CIVIC CENTER  
REDEVELOPMENT CORP.; CONCORD  
GOLF CATERING CO., INC.;  
CONCORD HOTEL CATERING CO.,  
INC.; EAST PEORIA CATERING CO.,  
INC.; FORT SMITH CATERING CO.,  
INC.; FRANKLIN/CRESCENT  
CATERING CO., INC.; GLENDALE  
COYOTES CATERING CO., INC.;  
GLENDALE COYOTES HOTEL  
CATERING CO., INC.; HAMMONS OF  
ARKANSAS, LLC; HAMMONS OF  
COLORADO, LLC; HAMMONS OF  
FRANKLIN, LLC; HAMMONS OF  
FRISCO, LLC; HAMMONS OF  
HUNTSVILLE, LLC; HAMMONS OF  
LINCOLN, LLC; HAMMONS OF NEW  
MEXICO, LLC; HAMMONS OF  
OKLAHOMA CITY, LLC; HAMMONS  
OF RICHARDSON, LLC; HAMMONS  
OF ROGERS, INC.; HAMMONS OF  
SIOUX FALLS, LLC; HAMMONS OF  
SOUTH CAROLINA, LLC; HAMMONS  
OF TULSA, LLC; HAMMONS, INC.;

HAMPTON CATERING CO., INC.; HOT SPRINGS CATERING CO., INC.; HUNTSVILLE CATERING, LLC; INTERNATIONAL CATERING CO., INC.; JQH - ALLEN DEVELOPMENT, LLC; JQH - CONCORD DEVELOPMENT, LLC; JQH - EAST PEORIA DEVELOPMENT, LLC; JQH - FT. SMITH DEVELOPMENT, LLC; JQH - GLENDALE AZ DEVELOPMENT, LLC; JQH - KANSAS CITY DEVELOPMENT, LLC; JQH - LA VISTA CY DEVELOPMENT, LLC; JQH - LA VISTA CONFERENCE CENTER DEVELOPMENT, LLC; JQH - LA VISTA III DEVELOPMENT, LLC; JQH - LAKE OF THE OZARKS DEVELOPMENT, LLC; JQH - MURFREESBORO DEVELOPMENT, LLC; JQH - NORMAL DEVELOPMENT, LLC; JQH - NORMAN DEVELOPMENT, LLC; JQH - OKLAHOMA CITY BRICKTOWN DEVELOPMENT, LLC; JQH - OLATHE DEVELOPMENT, LLC; JQH - PLEASANT GROVE DEVELOPMENT, LLC; JQH - ROGERS CONVENTION CENTER DEVELOPMENT, LLC; JQH - SAN MARCOS DEVELOPMENT, LLC; JOHN Q. HAMMONS 2015 LOAN HOLDINGS, LLC; JOHN Q. HAMMONS CENTER, LLC; JOHN Q. HAMMONS HOTELS DEVELOPMENT, LLC; JOHN Q. HAMMONS HOTELS MANAGEMENT I CORPORATION; JOHN Q. HAMMONS HOTELS MANAGEMENT II, LP; JOHN Q. HAMMONS HOTELS MANAGEMENT, LLC; JOPLIN RESIDENCE CATERING CO., INC.; JUNCTION CITY CATERING CO., INC.; KC RESIDENCE CATERING CO., INC.; LA VISTA CY CATERING CO., INC.; LA VISTA ES CATERING CO., INC.; LINCOLN P STREET

CATERING CO., INC.; LOVELAND  
CATERING CO., INC.; MANZANO  
CATERING CO., INC.;  
MURFREESBORO CATERING CO.,  
INC.; NORMAL CATERING CO., INC.;  
OKC COURTYARD CATERING CO.,  
INC.; R-2 OPERATING CO., INC.;  
REVOCABLE TRUST OF JOHN Q.  
HAMMONS DATED DECEMBER 28,  
1989 AS AMENDED AND RESTATED;  
RICHARDSON HAMMONS, LP;  
ROGERS ES CATERING CO., INC.; SGF  
- COURTYARD CATERING CO., INC.;  
SIOUX FALLS CONVENTION/ARENA  
CATERING CO., INC.; ST. CHARLES  
CATERING CO., INC.; TULSA/169  
CATERING CO., INC.; U.P. CATERING  
CO., INC.,

Appellants,

v.

OFFICE OF THE UNITED STATES  
TRUSTEE,

Appellee,

ACADIANA MANAGEMENT GROUP,  
LLC; ALBUQUERQUE-AMG  
SPECIALTY HOSPITAL, LLC;  
CENTRAL INDIANA-AMG SPECIALTY  
HOSPITAL, LLC; LTAC HOSPITAL OF  
EDMOND, LLC; HOUMA-AMG  
SPECIALTY HOSPITAL, LLC; LTAC OF  
LOUISIANA, LLC; LAS VEGAS-AMG  
SPECIALTY HOSPITAL, LLC;  
WARREN BOEGEL; BOEGEL FARMS,  
LLC and THREE BO'S, INC.

Amici Curiae.

**ORDER AND JUDGMENT\***

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Before **BACHARACH, EBEL, and PHILLIPS**, Circuit Judges.

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This matter is before the court following our receipt of the United States Supreme Court’s order granting certiorari, vacating our judgment, and remanding for further consideration in light of *Siegel v. Fitzgerald*, 142 S. Ct. 1770 (2022). See *Office of the United States Trustee v. John Q. Hammons Fall 2006, LLC*, 142 S. Ct. 2810 (2022). The Supreme Court’s judgment issued on July 15, 2022. That same day, we recalled our mandate and ordered the parties to file supplemental briefs regarding the impact of *Siegel* on this appeal.

Upon careful consideration of the parties’ supplemental briefs and the Supreme Court’s *Siegel* opinion, we reinstate our original opinion, *In re: John Q. Hammons Fall 2006, LLC*, 15 F.4th 1011 (10th Cir. 2021). We reverse and remand for determination of Appellants’ quarterly Chapter 11 fees and a refund of overpayment consistent with our original opinion.

Entered for the Court,

Gregory A. Phillips  
Circuit Judge

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.